

Agenda Item 5.1

Review of Implementation of the ASCOBANS
Triennial Work Plan (2010-2012)

Report of the Chair/Vice-Chair of the
Advisory Committee

Document 5-01

**Evaluation of the Implementation of
the ASCOBANS Work Plan 2010-2012
and the Work of the ASCOBANS
Advisory Committee**

Action Requested

- Take note

Submitted by

AC Chair & Vice-Chair



NOTE:

**IN THE INTERESTS OF ECONOMY, DELEGATES ARE KINDLY REMINDED TO BRING THEIR
OWN COPIES OF DOCUMENTS TO THE MEETING**

Evaluation of the Implementation of the ASCOBANS Work Plan 2010-2012 and the Work of the ASCOBANS Advisory Committee

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1. Resolution No. 6.3 of the 6th Meeting of Parties contains the ASCOBANS Triennial Work Plan 2010-2012 and was appended as Annex 6 to the Summary Record of the 6th Meeting of Parties to ASCOBANS. The Work Plan was designed to be implemented by the Advisory Committee, the Jastarnia Group, the CMS/ASCOBANS Secretariat and the Parties.
2. Here we give a personal evaluation of progress in each of the categories mentioned in the Work Plan, as has become customary, by summarizing the outcome of the activities during the past three years by category, followed by a table with a scoring index. The evaluation is largely subjective and indicates whether the action was addressed sufficiently (++) , partly sufficiently (+), partly, but not sufficiently (-), or not addressed (--).

DESCRIPTIVE EVALUATION

Incidental Take

3. Incidental take still remains the greatest threat to small cetaceans in ASCOBANS waters. Measures to reduce this take are partly a responsibility of Parties, and partly a responsibility of EU Fisheries managers in the framework of the Common Fisheries Policy. In April 2004, the European Council adopted a measure (Regulation 812/2004) to address cetacean bycatch in certain priority fisheries and areas. The evaluation of this Regulation indicates that implementation of the recommended measures has been poor. A slight amendment of the Regulation is proposed giving power to the Commission to adapt annex II to technical and scientific progress.

4. ASCOBANS should continue to monitor this issue by providing support, further input and advice. It is clear and important that the Bycatch Working Group has to work in close collaboration with ICES. Following this idea and the need for a new approach that will lead to a closer collaboration with fishermen to reduce unwanted mortality, a joint ECS/ASCOBANS workshop was held in Stralsund, Germany, during the ECS conference in 2010.

Pollution

5. The Pollution Working Group has continued to keep this issue under review throughout the period. Its role is to support those assessing the impact of pollutants on small cetaceans, and those working on reducing pollutants in the area, particularly within ICES, EU, OSPAR and HELCOM. Documents and publications are regularly presented on this topic. A Joint ECS/ASCOBANS/ACCOBAMS Workshop on Pollution and Cetaceans was organized during the ECS conference in 2011 in Cadiz, Spain. Among different recommendations, it was decided to focus on using Biomarkers including gene expression analyses.

6. As the interactions between debris and cetaceans are still not fully understood, it was decided, during the last AC, to have an Intersessional Working Group on Marine Debris. Its Terms of Reference were agreed.

Disturbance

7. The ASCOBANS Noise Working Group has focused on describing and reviewing the occurrence of noise-producing activities as well as producing guidelines to reduce potential disturbance.

8. The main problem is to integrate all the sources of noise (e.g. ship traffic, seismic research, sonar, wind farm constructions) and to define areas of risk to small cetaceans and to build models predicting oceanic noise. At the same time, it is also difficult to assess the noise impact on species even progress have been made.

9. In order to save time and not to duplicate efforts, the proposal of the chairs of the ACCOBAMS and ASCOBANS Noise Working Groups that the two groups be joined, was endorsed during the 19th Advisory Committee. The Joint ACCOBAMS/ASCOBANS Noise Working Group would *inter alia* elaborate a questionnaire for consultation with industry.

10. Upon request of the Advisory Committee, Peter Evans produced a risk assessment of potential conflicts between shipping and cetaceans in the Agreement Area. The results were presented to the 18th Advisory Committee Meeting.

Population Structure & Sites of Importance

11. During this triennium, the Advisory Committee has maintained the review of the progress made on this issue by the Parties. It was decided during the 18th Advisory Committee to organize a joint ASCOBANS/ACCOBAMS/ECS workshop on the "EU Habitats Directive and its implementation in relation to cetaceans". This workshop was held in Galway during the 26th ECS Conference. The implementation of the Habitats Directive was reviewed and discussed. The workshop was focused on the legal framework and on the methods for assessing favourable conservation status of cetaceans.

12. During the last Advisory Committee of the triennium, it was decided to encourage and support further research into species abundance, such as NAMMCO's T-NASS II and further CODA and SCANS surveys. The Russian NGO Baltic Fund for Nature was also encouraged to apply for funds for passive acoustic monitoring studies in the Kaliningrad region, ideally compatible with the SAMBAH Life + project. A short working group was also organized to make research proposals for the species concerned by the extension area of the Agreement. It was noticed that collaboration with ACCOBAMS will be welcomed on the overlap area.

Recovery and Conservation Plans

13. One of the main issues during the triennium concerning the Jastarnia Plan was the westward extension of the Plan. The problem was that there are two existing plans, namely the North Sea Plan and the Jastarnia Plan. The geographic scope of the former was clearly defined. For the Jastarnia Plan this was not the case, and there was an area between them that was not covered by either.

14. It was known that there were three different populations of harbour porpoises with some overlap. The Baltic population was recognized as being critically endangered. The population of the Inner Danish Waters had some pockets of high density and many of these animals did not stray into the North Sea or the Baltic proper. As the Baltic and the so-called "gap area" had different populations, each with a different conservation status, and these were facing different threats, there was a case for having separate plans. There were lots of discussions on how to proceed in the matter. It was decided to have a consultant draft a paper on conservation measures for harbour porpoises in the western Baltic and Belt Sea.

15. The consultant drew up a draft plan and discussions and revisions of this draft plan were carried out at the last Jastarnia (8th) and Advisory Committee (19th) meetings. At the 19th Advisory Committee meeting the Secretariat called for volunteers to serve on an

Intersessional Working Group to further elaborate the Draft Conservation Plan for the Harbour Porpoise Population in the Western Baltic, the Belt Sea and the Kattegat. HELCOM HABITAT and other relevant fora were given the opportunity to submit comments to the working group. The deadline for submission of the final draft was 30 June 2012, after which the Secretariat submitted it to the 7th Meeting of the Parties for adoption. The Advisory Committee recommends that the Conservation Plan for the Harbour Porpoise Population in the Western Baltic, the Belt Sea and the Kattegat should be adopted as a self-standing document, and be administered through the Jastarnia Group, where it would be discussed in a specific session.

16. Threats to cetaceans still appear to be increasing in all ASCOBANS areas, in particular, by-catch and new emerging threats such as noise and marine litter. There has been some progress in mitigating the by-catch rates through developing new gear technologies, but more effort is needed, as are more interactions between the fisheries and the environmental/conservation sectors.

17. It has also been discussed that a Baltic Sea Coordinator is needed, just as the North Sea Plan has. The 17th Advisory Committee meeting adopted the Terms of Reference, but at the moment there is no funding for a Baltic Sea Coordinator.

18. The Jastarnia Group, charged with monitoring the implementation of the Baltic Sea Harbour Porpoise Recovery Plan, met annually (in Hel, Poland, 23–24 February 2010; in Copenhagen, Denmark, 14–16 February 2011; and in Bonn, Germany, 31 January–2 February 2012) and provided a substantial number of reports (on the ASCOBANS website). Furthermore, the Jastarnia Group continues to promote the International Day of the Baltic Sea Harbour Porpoise.

19. After the adoption of the North Sea Conservation Plan for the harbour porpoise during MOP 6 in 2009, one of the main issues during this triennium was the evaluation of the implementation of this plan. In order to be effective it was agreed and adopted to have a recognized, fulltime co-ordinator. Russell Leaper and Vassili Papastavrou were appointed as interim coordinators for the plan.

20. During the 17th Advisory Committee, it was decided, along the lines of the Jastarnia Group for the Recovery Plan for Baltic Harbour Porpoises, to establish a North Sea Group and its terms of reference were agreed. Martine van den Heuvel-Greve (Netherlands) was designated as chair of this group.

21. At the 18th Advisory Committee, and in the consultant's report, it was clear and important, that the Chair of the group and the Coordinator had to attend the next RAC meeting (Boulogne-sur-Mer, France, 10-11 October 2011) in order to exchange ideas on bycatch and to hold a presentation on ASCOBANS. The Working Group agreed to have a meeting (preferably ½ day in conjunction with the Advisory Committee). During this Advisory Committee the applications for the coordinator appointment were jointly reviewed by the group and the secretariat in accordance with UNEP procedures. Geneviève Desportes was appointed as the Coordinator. She started work in September 2011 and has attended the North Sea RAC and the Jastarnia Group.

22. During the 19th Advisory Committee, the North Sea Group held its second meeting. The Action Plan was reviewed; the Coordinator presented the state of her work and a progress report of the designation of Special Areas of Conservation. A presentation of the Netherlands' national conservation plan for the harbour porpoise was also given. Recommendations were made by the group and support for extending the coordinator contract was expressed to ensure that the momentum gained was not lost to evaluating the North Sea Conservation Plan in the course of 2013.

Awareness Raising and Promotion of the Agreement

23. Efforts to provide information materials and to promote the Agreement and its aims on all levels (e.g.,EU, IGOs, and stakeholders) have been regularly made by Parties, NGO's and the secretariat. During the triennium, ASCOBANS leaflet has been translated in all languages and are available. A leaflet for the SAMBAH project was also being developed with the project coordinators. The ASCOBANS exhibition is now available in English and German and a French version is expected. The website of the agreement was revised and very positive feedback was received.

24. The main current focus of publicity and outreach is the 20th Anniversary of the signing of ASCOBANS. To mark this event, it was decided to publish a book authored by Peter Evans, which will contain contributions from others involved with the Agreement. The secretariat negotiated a special offer with The Whale Workshop: a roadshow of inflatable life-size models of whales and dolphins available to Parties and partners for hire. The roadshow was presented during the ECS conference in Galway (2012) and has been shown in various locations since.

External Relations

25. ASCOBANS should continue to work intensively through influencing the actions of others. It is also important not to duplicate work by encouraging synergies and cooperation with other bodies. This is meant to continue to develop collaboration of the different working groups of the agreement with sister groups of other agreements (ACCOBAMS, OSPAR, HELCOM...), EC, ICES (WGBYC, WGMME), IWC, NGO's, NSRAC and others.

26. During Advisory Committee meetings ASCOBANS welcomed the participation of the regular NGOs and encourages the participation of others. The dialogue with NAMMCO reinitiated during this triennium should be maintained.

Management of the Agreement

27. This was the second triennium with the ASCOBANS Secretariat merged into the secretariat of the mother convention, CMS. The Advisory Committee evaluated the Secretariat arrangement in 2011. The results of the evaluation were positive: the Parties were now content and felt that they were receiving value for their money from a hard-working Secretariat. It was thus decided to keep the existing arrangement in force. The key recommendations for the Secretariat were to facilitate 1) collaboration with fisheries organizations, and 2) closer alignment with EU processes. There has been progress in the second recommendation, as ASCOBANS has been invited to take part in the MSFD process. Concerning the collaboration with fisheries, this still needs to be enhanced.

28. The Parties decided that if there are savings in the budget, the money will be used either for internal or external projects. During the triennium, ASCOBANS has funded numerous external projects with this money. This has been a good way to use the savings and the Agreement has promoted research on small cetaceans.

29. The Parties decided in principle to move to a four-year cycle for the Agreement; it still needs a final decision at the 7th MOP.

Conclusion

30. The triennium 2010-2012 was marked by progress for the two harbour porpoise plans: The nomination of a North Sea coordinator and the beginning of the evaluation of the implementation of the plan, the adoption of the Terms of Reference for a coordinator for the Jastarnia Plan and the new Conservation Plan for the western Baltic, Belt Sea and the Kattegat with an Intersessional Working Group to further elaboration of the Draft Conservation Plan.

31. Continuous efforts have been made to organize joint workshops with ECS and the sister agreement ACCOBAMS and to encourage close collaboration between groups and/or with other agreements and bodies and NGOs.

32. Also during the triennium, ASCOBANS has funded numerous external projects with savings from the budget and helped to promote research on small cetaceans.

33. Efforts and progress have been regularly made by Parties, NGO's and the Secretariat to promote the agreement and develop information materials.

34. Efforts and proposals still have to be made in the extension area as there are small cetaceans that are threatened (bycatch, pollution, noise etc.). This includes species such as the common dolphin, striped dolphin, bottlenose dolphin, pilot whales, Risso's dolphin and also the harbour porpoise. Regarding the fact that there is an overlap area with ACCOBAMS, we have to encourage close cooperation with this sister agreement.

35. We have also to continue to solicit the range states to accede to the agreement and to encourage fisheries representatives to attend the Advisory Committee.

Acknowledgements

36. The Advisory Committee met formally three times between 2010 and 2012. These meetings were supplemented by an enormous amount of time put in by Advisory Committee members between these meetings. We also owe thanks to the valuable and constructive input by representatives from Non-Party Range States, IGOs, and NGOs. The commissioning of experts to help in key areas of work has also been indispensable. We are extremely grateful for all of this work, without which most of the above achievements would have not been possible.

EVALUATION INDEX (as listed in the Triennial Work Plan 2010-2012)

Incidental take

Review new information on bycatch of cetaceans	++
Provide recommendations to Parties and other relevant authorities	+
Review the work of the Bycatch Working Group	+
Organize meetings to develop a constructive dialogue with the fisheries sector, to progress bycatch mitigation measures in an effective manner	++
New approach that leads to a closer collaboration with fishermen to reduce unwanted mortality	-

Pollution

Review new information on pollution and its effects on small cetaceans	++
Provide recommendations to Parties and other relevant authorities	-
Establish an Intersessional Working Group on Marine Debris	++

Disturbance

Review the extent of negative effects of sound, vessels and other forms of disturbance	+
Review technological developments and recommend ways to mitigate negative effects	+
Establish a Joint ACCOBAMS/ASCOBANS Noise Working Group	++

Population structures & sites of importance

Review information on population size, distribution, structure, and causes of mortality	+
Provide recommendations to Parties and other relevant authorities	-

Awareness raising & promotion

Raise awareness of issues related to cetacean conservation in the Agreement Area	+
Translate ASCOBANS information material and undertake promotional activities	+
Develop the ASCOBANS website and include educational material	++
Produce information material in languages of the Baltic Sea region	+
Promote the Agreement and its aims in Parties, Range States etc.	+
Promote accession of non-Party Range States to the Agreement	+
Assist in developing funding arrangements for projects covering themes prioritized by the Advisory Committee and Meeting of Parties	++

External relations

- | | |
|---|---|
| Define the Secretariat's role in working with EU, CMS, OSPAR, HELCOM and ACCOBAMS | + |
| Produce targeted information material on cetacean conservation with fishermen's organizations | - |

Recovery and Conservation Plans

- | | |
|---|----|
| Review implementation of the ASCOBANS Recovery Plan for Baltic Harbour Porpoise | ++ |
| Continue efforts to further the implementation of the Jastarnia Plan | ++ |
| Continue to update HELCOM-ASCOBANS joint harbour porpoise database | + |
| Develop a plan for the harbour porpoise in the western Baltic and Belt Sea "Gap Area" | ++ |
| Review the implementation of the North Sea Porpoise Conservation Plan | ++ |

Institutional issues

- | | |
|---|----|
| Consider how the work of ASCOBANS should be extended to the new Agreement Area | - |
| Continue to invite intergovernmental bodies to send representatives to AC meetings | + |
| Explore the possibilities of further developing positive relationships with other stakeholders | - |
| Improve co-operation and information exchange between AC and the ScC of CMS | - |
| Review a list of international meetings at which the aims of ASCOBANS might be promoted | + |
| Explore ways in which ASCOBANS can better liaise and work with the EC | + |
| Review the summarized information on large cetaceans provided by the informal Working Group of the Advisory Committee | ++ |